

LFC Requester:	
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>1-26-17</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>SB183</u>

Sponsor:	<u>Wm. Sharer & David Gallegos</u>	Agency Code:	<u>264</u>
Short	<u>Partial and</u>	Person Writing	<u>Gail MacQuesten</u>
Title:	<u>Late-Term Abortion</u>	Phone:	<u>466-0532</u>
		Email	<u>gailmacquesten@gmail.com</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB37
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB183 prohibits late-term abortion, which is defined as knowingly and willfully administering to any pregnant woman any medicine, drug or other substance, or using any method or means whereby an untimely termination of her pregnancy is produced, or attempted to be produced, with the intent to destroy a viable fetus of twenty or more weeks gestational age.

SB183 provides an exception when the late-term abortion is necessary to preserve the life of a pregnant woman whose life is endangered by a physical disorder, physical illness or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

A physician who knowingly and willfully violates the Act is subject to a civil penalty of not less than five thousand dollars for each violation and the physician's license to practice medicine shall be revoked or suspended for not less than one year.

The New Mexico medical board is to enforce these provisions.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

No fiscal implications for the district attorneys.

SIGNIFICANT ISSUES

SB183 allows an exception if the abortion is necessary to preserve the life of the pregnant woman, but does not contain an exception to preserve the health of the pregnant woman. It is therefore unconstitutional under Stenberg v. Carhart, 120 S.Ct. 2597 (2000).

PERFORMANCE IMPLICATIONS

There are no performance implications for the district attorneys, because SB183 does not impose criminal penalties.

ADMINISTRATIVE IMPLICATIONS

See Performance Implications, above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB37, Born Alive Infant Protection, provides civil and criminal penalties for acts, and attempted acts, that have the effect of killing a born alive infant.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Late-term abortions (other than partial-birth abortions) will be available in New Mexico.

AMENDMENTS

None proposed.